

ASSEMBLY BILL

No. 2679

**Introduced by Committee on Transportation (Assembly Members
Bonnie Lowenthal (Chair), Jeffries (Vice Chair), Achadjian,
Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Logue,
Miller, Portantino, and Solorio)**

March 6, 2012

An act to amend Sections 935.7 and 29532.4 of the Government Code, to amend Sections 99155, 99155.5, 99206.5, 99207, 99214, 99220, 99233.12, 99238, 99238.5, 99260.7, 99262, 99268.5, 99285.2, and 99401.5 of the Public Utilities Code, to amend Sections 6480.1 and 60116 of the Revenue and Taxation Code, to amend Sections 349, 366, 374, 392, 411, 446, 478, 485, 493, 527, and 538 of, and to amend and repeal Section 410 of the Streets and Highways Code, and to repeal Section 27314.5 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL’S DIGEST

AB 2679, as introduced, Committee on Transportation.
Transportation: omnibus bill.

(1) Existing law authorizes the Department of Transportation to pay claims or damages up to a maximum of \$5,000 without the approval of the California Victim Compensation and Government Claims Board.

This bill would adjust the claim limit that may be paid by the department under these provisions to equal the maximum amount of a claim that can be brought in small claims court.

(2) Existing law, the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state and requires, among other things,

specified special accommodations for handicapped persons, as defined, on public transit systems.

This bill would replace the term “handicapped” with the term “disabled” throughout the act.

(3) Existing law authorizes the Solano County Transportation Authority to claim up to 2% of local transportation funds available under the Transportation Development Act for countywide transit planning and coordination relative to Solano County.

This bill would authorize the authority to claim up to 2.7% of those funds for these purposes.

(4) Existing law creates transportation commissions or authorities in certain counties, including Imperial and Los Angeles Counties, with various responsibilities relating to transportation planning and programming, among other things.

This bill would update various obsolete references to the Imperial County Transportation Commission and to the Los Angeles County Metropolitan Transportation Authority to reflect their current names.

(5) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill would acknowledge the relinquishment of the portion of Route 49 in the City of Auburn, the portions of Route 66 in the Cities of Fontana, Rancho Cucamonga, Upland, and Claremont, the portions of Route 74 in the Cities of Palm Desert and Lake Elsinor, the portion of Route 92 in the City of Hayward, a portion of Route 110 in the City of Los Angeles, the portion of Route 111 in the City of Cathedral City, the portion of Route 146 in the City of Soledad, the portion of Route 178 in the City of Bakersfield, the portion of Route 185 in the City of Hayward, the portion of Route 193 in the City of Lincoln, the portions of Route 227 in the Cities of Arroyo Grande and San Luis Obispo, and the portion of Route 238 in the City of Hayward.

(6) Existing law imposes excise taxes and sales and use taxes on motor vehicle fuel, commonly known as gasoline, on jet fuel, and on diesel fuel. Existing law requires the State Board of Equalization to make specified annual adjustments to the tax rates to ensure the revenue neutrality under previously enacted statutory modifications of these tax rates, under which modifications certain taxes increased while others decreased. Existing law requires prepayment of a certain portion of the sales tax liability on these fuels based on annual estimates made by the

State Board of Equalization that rely on a specified report of the State Energy Resources Conservation and Development Commission to determine the retail price of fuel.

This bill would require the annual adjustments to sales tax prepayment rates to be made at the same time as the annual adjustments of the fuel tax rates, and would provide for the prepayment rates to account for any changes in the fuel tax rates. The bill would delete the reference to the specified report for determining the retail price of fuels and would instead authorize the board to rely on industry publications reporting that information. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 935.7 of the Government Code is
2 amended to read:
3 935.7. (a) Notwithstanding Section 935.6, the Department of
4 Transportation may deny or adjust and pay any claim arising out
5 of the activities of the department without the prior approval of
6 the California Victim Compensation and Government Claims
7 Board if both of the following conditions exist:
8 (1) The amount claimed is ~~five thousand dollars (\$5,000) or~~
9 ~~less equal to or less than the amount specified as the small claims~~
10 ~~court jurisdictional amount in Section 116.221 of the Code of Civil~~
11 ~~Procedure.~~
12 (2) The Director of Finance or the Director of Transportation
13 certifies that a sufficient appropriation for the payment of the claim
14 exists.
15 (b) If the department elects not to pay any claim, the department
16 shall provide the notice required by Section 913.
17 (c) Any person who submits any claim arising out of any activity
18 of the Department of Transportation shall comply with every other
19 applicable provision of this part relating to claims against state
20 agencies.
21 SEC. 2. Section 29532.4 of the Government Code is amended
22 to read:
23 29532.4. (a) Notwithstanding subdivision (d) of Section 29532,
24 the county transportation commission created in the Counties of
25 Los Angeles, Orange, Riverside, and San Bernardino by Division

1 12 (commencing with Section 130000) of the Public Utilities Code
2 shall not be designated by the Director of Transportation as the
3 transportation planning agency for the area under its jurisdiction,
4 and the Imperial Valley Association of Governments in Imperial
5 County shall not be designated the transportation planning agency
6 for the area under its jurisdiction.

7 (b) Notwithstanding Section 29532, for the purposes of Chapter
8 4 (commencing with Section 99200) of Part 11 of Division 10 of
9 the Public Utilities Code, “transportation planning agency” means
10 the county transportation commission created in the Counties of
11 Los Angeles, Orange, Riverside, San Bernardino, and Ventura by
12 Division 12 (commencing with Section 130000) of the Public
13 Utilities Code, and also includes the ~~Imperial Valley Association~~
14 ~~of Governments~~ *County Transportation Commission* in Imperial
15 County. The county auditor in each of those counties shall pay to
16 the public transportation entities in the county the amounts
17 allocated by the respective commissions or that association of
18 governments, as the case may be.

19 SEC. 3. Section 99155 of the Public Utilities Code is amended
20 to read:

21 99155. (a) Each transit operator, whether publicly or privately
22 funded all or in part, nonprofit or *for* profit, which offers reduced
23 fares to senior citizens shall honor the federal Medicare
24 identification card as sufficient identification to receive reduced
25 fares. A transit operator which offers reduced fares to those senior
26 citizens who are less than 65 years old shall also honor the senior
27 citizen identification card issued pursuant to subdivision (b) of
28 Section 13000 of the Vehicle Code.

29 (b) Each transit operator, whether publicly or privately funded,
30 in whole or in part, nonprofit or for profit, which offers reduced
31 fares pursuant to subdivision (a) shall also offer reduced fares to
32 ~~handicapped~~ *disabled* persons, as defined by Section 99206.5,
33 disabled persons, as defined by Section 295.5 of the Vehicle Code,
34 and disabled veterans, as defined by Section 295.7 of the Vehicle
35 Code, at the same rate established for senior citizens. A transit
36 operator shall honor the ~~handicapped person~~, disabled person, or
37 disabled veteran placard identification card issued pursuant to
38 Section 22511.55 of the Vehicle Code.

39 (c) Every transit operator that offers reduced fares to
40 ~~handicapped~~ or disabled persons shall honor any current

1 identification card that is valid for the type of transportation service
2 or discount requested and that has been issued to an individual
3 with a ~~handicap~~ or disability by another transit operator.

4 (d) This section also applies to any dial-a-ride, paratransit, or
5 nonfixed route operator which serves the ~~handicapped~~ or disabled,
6 but does not apply to a private, nonprofit entity which serves the
7 ~~handicapped~~, disabled, or elderly.

8 (e) Nothing in this section prohibits a transit operator from
9 issuing its own identification card, except that no such card shall
10 be required to be presented in addition to either a federal Medicare
11 card or a card issued pursuant to Section 22511.55 of the Vehicle
12 Code.

13 (f) A transit operator, as defined in subdivision (b), which
14 receives funds pursuant to the Mills-Alquist-Deddeh Act (Chapter
15 4 (commencing with Section 99200)), shall not require that a
16 person requesting transportation be a resident of that transit
17 operator's service area.

18 SEC. 4. Section 99155.5 of the Public Utilities Code is
19 amended to read:

20 99155.5. (a) The Legislature intends that dial-a-ride and
21 paratransit services be accessible to ~~handicapped~~ *disabled* persons,
22 as defined in Section 99206.5. It is intended that transportation
23 service be provided for employment, education, medical, and
24 personal reasons. Transportation for individuals with disabilities
25 is a necessity, and allows these persons to fully participate in our
26 society.

27 The Legislature finds and declares that the term "paratransit,"
28 as used in the *federal* Americans with Disabilities Act of 1990
29 (Public Law 101-336), refers to transportation services with
30 specific criteria of quality and quantity, and which are required to
31 be made available to limited classes of persons based on eligibility
32 categories; this is often referred to as "ADA paratransit" or
33 "complementary paratransit." The Legislature finds and declares
34 that the terms "paratransit" and "dial-a-ride," as used in the laws
35 of this state, apply to a broader range of transportation services
36 and that not all individuals with disabilities under the laws of this
37 state are eligible for "ADA paratransit" under the federal law.

38 (b) Each transit operator, *for* profit or nonprofit, which provides,
39 or contracts for the provision of, dial-a-ride or paratransit service
40 for individuals with disabilities and which receives public funding

1 pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing
2 with Section 99200)) for that service shall provide the service
3 without regard to either of the following:

4 (1) Whether the person is a member of a household which owns
5 a motor vehicle.

6 (2) ~~The~~ *Whether the* place of residence of the person who
7 requests transportation service *is* within the service area of the
8 provider. To the extent that they are eligible for the specified
9 service requested, all persons requesting transportation service in
10 the service area of the provider shall be provided service on the
11 same terms and at the same price that service is provided to other
12 persons residing within the service area of the provider.

13 (c) Subdivision (b) does not preclude a provider from offering
14 a subscription service, and does not require a reduction in the
15 amount the provider charges other public or private agencies.

16 (d) Except as required by the *federal* Americans with Disabilities
17 Act of 1990 (Public Law 101-336) and federal regulations adopted
18 pursuant thereto or by higher standards prescribed by the laws of
19 this state, nothing in this section requires any transit operator which
20 provides service to individuals with disabilities in a manner
21 consistent with subdivision (b) to make those services available
22 outside the operator's established operating service area, or requires
23 the operator to make the presentation of identification a condition
24 to using the service.

25 (e) A transit operator shall honor any current identification card
26 which is valid for the type of transportation service or discount
27 requested and which has been issued to an individual with
28 disabilities by another transit operator.

29 (f) Any person who believes an operator has violated Section
30 99155 or 99155.5 may file a report of the alleged violation with
31 the transportation planning agency or county transportation
32 commission. Any individual with disabilities may request the
33 Attorney General to resolve any dispute as to compliance with
34 Section 99155 or this section.

35 SEC. 5. Section 99206.5 of the Public Utilities Code is
36 amended to read:

37 99206.5. ~~“Handicapped—~~“*Disabled person*” means any
38 individual who by reason of illness, injury, age, congenital
39 malfunction, or other permanent or temporary incapacity or
40 disability, including, but not limited to, any individual confined

1 to a wheelchair, is unable, without special facilities or special
2 planning or design, to utilize public transportation facilities and
3 services as effectively as a person who is not so affected.

4 As used in this section, a temporary incapacity or disability is
5 an incapacity or a disability which lasts more than 90 days.

6 SEC. 6. Section 99207 of the Public Utilities Code is amended
7 to read:

8 99207. (a) “Included municipal operator” means a city or
9 county which is included, in whole or in part, within a transit
10 district or which has been extended the authority to join a transit
11 district by that district’s enabling legislation, and in which city or
12 county public transportation services have continuously been
13 provided, since at least January 1, 1971, by the city or county, by
14 a nonprofit corporation or other legal entity wholly owned by the
15 city or county, or by the University of California.

16 (b) “Included municipal operator” also means the City and
17 County of San Francisco and the Counties of Alameda and Contra
18 Costa with respect to any portion of the unincorporated area
19 thereof, and any city in those counties, which is outside the area
20 of the Alameda-Contra Costa Transit District and which is not
21 receiving adequate local public transportation services, as
22 determined by the Metropolitan Transportation Commission, from
23 any of the transit districts which includes the county or city, taking
24 into consideration, among other things, the amount of such services
25 needed in the county or city, the cost to provide such services, and
26 the amount of such services provided in other areas of the transit
27 district as compared to their needs.

28 (c) “Included municipal operator” also means any city within
29 the County of Sacramento which (1) is outside the activated
30 boundaries of the Sacramento Regional Transit District,
31 (2) contracts with the district for transit services, and (3) provides
32 local transit services within the city that the Sacramento Area
33 Council of Governments annually determines can be better
34 provided by the city than the district, taking into consideration,
35 among other things, the amount and the nature of the services
36 required in the city, the ability of the district to provide the services,
37 the coordination of the services with district services, the
38 remoteness of the city in relation to other district services, the cost
39 of providing the services, the funds available to provide the

1 services, and the amount of services provided in other areas of the
2 district compared to their needs.

3 (d) “Included municipal operator” also means any city or
4 unincorporated area within the County of Los Angeles (1) that is
5 not receiving adequate local public transportation services, as
6 determined by the Los Angeles County ~~Transportation Commission~~
7 *Metropolitan Transportation Authority*, from either the Southern
8 California Rapid Transit District or any currently “included
9 municipal operator” as defined in this section, and (2) that meets
10 the criteria established by the Los Angeles County ~~Transportation~~
11 ~~Commission~~ *Metropolitan Transportation Authority*, taking into
12 consideration, among other things, the cost to provide such
13 services, the amount of such services needed in the county or city,
14 the funds available to provide such services, and the amount of
15 such services provided in other areas of the county as compared
16 to their needs.

17 SEC. 7. Section 99214 of the Public Utilities Code is amended
18 to read:

19 99214. (a) “Transportation planning agency” means the entity
20 designated in Section 29532 of the Government Code.

21 (b) “Transportation planning agency” also includes, for purposes
22 of this chapter, the county transportation commissions created in
23 the Counties of Los Angeles, Orange, Riverside, San Bernardino,
24 and Ventura pursuant to Division 12 (commencing with Section
25 130000).

26 (c) “Transportation planning agency” also includes, for purposes
27 of this chapter, the Imperial ~~Valley Association of Governments~~
28 *County Transportation Commission* in Imperial County.

29 SEC. 8. Section 99220 of the Public Utilities Code is amended
30 to read:

31 99220. The Legislature finds and declares as follows:

32 (a) Public transportation is an essential component of the
33 balanced transportation system which must be maintained and
34 developed so as to permit the efficient and orderly movement of
35 people and goods in the urban areas of the state. Because public
36 transportation systems provide an essential public service, it is
37 desirable that such systems be designed and operated in such a
38 manner as to encourage maximum utilization of the efficiencies
39 of the service for the benefit of the total transportation system of
40 the state and all the people of the state, including the elderly, the

1 ~~handicapped disabled~~, the youth, and the citizens of limited means
2 ~~of the ability to freely utilize the systems.~~

3 (b) The fostering, continuance, and development of public
4 transportation systems are a matter of state concern. Excessive
5 reliance on the private automobile for transportation has caused
6 air pollution and traffic congestion in California's urban areas, and
7 such pollution and congestion are not confined to single
8 incorporated areas but affect entire regions. Furthermore, public
9 transportation systems which are not designed so as to be usable
10 by ~~handicapped disabled~~ persons foster increased welfare costs
11 and the waste of human resources. Thus, the Legislature has elected
12 to deal with the multiple problems caused by lack of adequate
13 public transportation on a regional basis through the counties, with
14 coordination of the programs being the responsibility of the state
15 pursuant to contract with county governments.

16 (c) While providing county assistance to a particular
17 transportation system may not be of primary interest and benefit
18 to each and every taxpayer in a county, providing an integrated
19 and coordinated system to meet the public transportation needs of
20 an entire county will benefit the county as a whole. It is the purpose
21 of this chapter to provide for such systems in those counties where
22 they are needed.

23 (d) The local transportation funds authorized by Article 11
24 (commencing with Section 29530) of Chapter 2 of Division 3 of
25 Title 3 of the Government Code are made possible by the
26 imposition of the state's sales and use taxes on motor vehicle fuel,
27 which allows for a reduction in state taxes without a corresponding
28 loss in revenue. By authorizing counties to increase their sales and
29 use taxes, an additional source of revenue has been made available
30 for public transportation within such counties. Applicants for a
31 disbursement from a local transportation fund shall only be eligible
32 for an allocation from the fund of the county in which such
33 transportation is provided.

34 SEC. 9. Section 99233.12 of the Public Utilities Code is
35 amended to read:

36 99233.12. Notwithstanding anything in Sections 99233 to
37 99233.9, inclusive, to the contrary, the Solano Transportation
38 Authority may file a claim, and the transportation planning agency
39 may allocate, for the area representing the cumulative areas of the
40 authority's member agencies, up to—2 2.7 percent of annual

1 revenues for countywide transit planning and coordination purposes
2 relative to Solano County. Funds allocated to the authority pursuant
3 to this section shall be allocated after allocations are made pursuant
4 to Sections 99233.1 and 99233.2 but prior to other allocations.

5 SEC. 10. Section 99238 of the Public Utilities Code is amended
6 to read:

7 99238. Each transportation planning agency shall provide for
8 the establishment of a social services transportation advisory
9 council for each county, or counties operating under a joint powers
10 agreement, which is not subject to the apportionment restriction
11 established in Section 99232.

12 (a) The social services transportation advisory council shall
13 consist of the following members:

14 (1) One representative of potential transit users who is 60 years
15 of age or older.

16 (2) One representative of potential transit users who is
17 ~~handicapped~~ *disabled*.

18 (3) Two representatives of the local social service providers for
19 seniors, including one representative of a social service
20 transportation provider, if one exists.

21 (4) Two representatives of local social service providers for the
22 ~~handicapped~~ *disabled*, including one representative of a social
23 service transportation provider, if one exists.

24 (5) One representative of a local social service provider for
25 persons of limited means.

26 (6) Two representatives from the local consolidated
27 transportation service agency, designated pursuant to subdivision
28 (a) of Section 15975 of the Government Code, if one exists,
29 including one representative from an operator, if one exists.

30 (7) The transportation planning agency may appoint additional
31 members in accordance with the procedure prescribed in
32 subdivision (b).

33 (b) Members of the social services transportation advisory
34 council shall be appointed by the transportation planning agency
35 which shall recruit candidates for appointment from a broad
36 representation of social service and transit providers representing
37 the elderly, the ~~handicapped~~ *disabled*, and persons of limited
38 means. In appointing council members, the transportation planning
39 agency shall strive to attain geographic and minority representation
40 among council members. Of the initial appointments to the council,

1 one-third of them shall be for a one-year term, one-third shall be
2 for a two-year term, and one-third shall be for a three-year term.
3 Subsequent to the initial appointment, the term of appointment
4 shall be for three years, which may be renewed for an additional
5 three-year term. The transportation planning agency may, at its
6 discretion, delegate its responsibilities for appointment pursuant
7 to this subdivision to the board of supervisors.

8 (c) The social services transportation advisory council shall
9 have the following responsibilities:

10 (1) Annually participate in the identification of transit needs in
11 the jurisdiction, including unmet transit needs that may exist within
12 the jurisdiction of the council and that may be reasonable to meet
13 by establishing or contracting for new public transportation or
14 specialized transportation services or by expanding existing
15 services.

16 (2) Annually review and recommend action by the transportation
17 planning agency for the area within the jurisdiction of the council
18 which finds, by resolution, that (A) there are no unmet transit
19 needs, (B) there are no unmet transit needs that are reasonable to
20 meet, or (C) there are unmet transit needs, including needs that
21 are reasonable to meet.

22 (3) Advise the transportation planning agency on any other
23 major transit issues, including the coordination and consolidation
24 of specialized transportation services.

25 (d) It is the intent of the Legislature that duplicative advisory
26 councils shall not be established where transit advisory councils
27 currently exist and that those existing advisory councils shall,
28 instead, become part of the social services transportation advisory
29 council and shall assume any new responsibilities pursuant to this
30 section.

31 SEC. 11. Section 99238.5 of the Public Utilities Code is
32 amended to read:

33 99238.5. (a) The transportation planning agency shall ensure
34 the establishment and implementation of a citizen participation
35 process appropriate for each county, or counties if operating under
36 a joint powers agreement, utilizing the social services transportation
37 advisory council as a mechanism to solicit the input of transit
38 dependent and transit disadvantaged persons, including the elderly,
39 ~~handicapped~~ *disabled*, and persons of limited means. The process
40 shall include provisions for at least one public hearing in the

1 jurisdiction represented by the social services transportation
2 advisory council. Hearings shall be scheduled to ensure broad
3 community participation and, if possible, the location of the
4 hearings shall be rotated among the various communities within
5 the advisory council's jurisdiction. Notice of the hearing, including
6 the date, place, and specific purpose of the hearing shall be given
7 at least 30 days in advance through publication in a newspaper of
8 general circulation. The transportation planning agency shall also
9 send written notification to those persons and organizations which
10 have indicated, through its citizen participation or any other source
11 of information, an interest in the subject of the hearing.

12 (b) In addition to public hearings, the transportation planning
13 agency shall consider other methods of obtaining public feedback
14 on public transportation needs. Those methods may include, but
15 are not limited to, teleconferencing, questionnaires, telecanvassing,
16 and electronic mail.

17 SEC. 12. Section 99260.7 of the Public Utilities Code is
18 amended to read:

19 99260.7. In order to provide, or to contract to provide,
20 transportation services using vehicles for the exclusive use of
21 elderly or ~~handicapped~~ *disabled* persons, a city or a county, which
22 is contributing funds it is eligible to receive under this article to a
23 joint powers agency of which it is a member to operate a public
24 transportation system, may also file a claim under this article and
25 may also file a claim for funds made available pursuant to Section
26 99313.

27 SEC. 13. Section 99262 of the Public Utilities Code is amended
28 to read:

29 99262. Claims for public transportation systems may include
30 claims for money for all purposes necessary and convenient to the
31 development and operation of the system, including planning and
32 contributions to the transportation planning process, acquisition
33 of real property, construction of facilities and buildings, purchase
34 and replacement of vehicles (including those usable by ~~handicapped~~
35 *disabled* persons), and system operation, maintenance, and repair,
36 payment for any of which purposes may take the form of direct
37 expenditures or payment of principal and interest on equipment
38 trust certificates, bonded or other indebtedness, or any amounts in
39 accomplishment of a defeasance of any outstanding revenue bond
40 indenture.

1 SEC. 14. Section 99268.5 of the Public Utilities Code is
2 amended to read:

3 99268.5. (a) Commencing with claims for the 1980–81 fiscal
4 year, no funds shall be allocated under this article in any fiscal
5 year to an operator providing services using vehicles for the
6 exclusive use of elderly and ~~handicapped~~ *disabled* persons, unless
7 the operator maintains, for the fiscal year, a ratio of fare revenues
8 to operating cost, as defined by subdivision (a) of Section 99247,
9 for those services at least equal to one-tenth or to the ratio it had
10 for those services during the 1978–79 fiscal year, whichever is
11 greater.

12 (b) Notwithstanding subdivision (a), an operator which provides
13 both exclusive transportation services for elderly and ~~handicapped~~
14 *disabled* persons and regular scheduled public transportation
15 services may be allocated funds under this article for the exclusive
16 service if the combined services qualify under Section 99268.1,
17 99268.2, 99268.3, or 99268.4, as the case may be, and the ratio of
18 fare revenues to operating cost for the combined service shall not
19 be less than the ratio required in order to make allocations to the
20 operator for its regular scheduled services.

21 (c) In a county which had less than 500,000 population as
22 determined by the 1970 federal decennial census and more than
23 500,000 in population as determined by the 1980 or 1990 federal
24 decennial census, an operator in the county shall maintain a ratio
25 of fare revenues to operating cost, as defined by subdivision (a)
26 of Section 99247, at least equal to one-fifth if serving an urbanized
27 area or one-tenth if serving a nonurbanized area.

28 SEC. 15. Section 99285.2 of the Public Utilities Code is
29 amended to read:

30 99285.2. ~~(a)~~ Notwithstanding subdivision (a) of Section 99285,
31 any county transportation commission created pursuant to Division
32 12 (commencing with Section 130000) may adopt a resolution
33 electing to approve the proposals to be funded and shall approve
34 only those claims submitted for its approval.

35 ~~(b) Notwithstanding subdivision (a) of Section 99285, for the~~
36 ~~County of Imperial, the Imperial Valley Association of~~
37 ~~Governments shall submit to the transportation planning agency~~
38 ~~those proposals to be funded, and the transportation planning~~
39 ~~agency shall approve only those claims submitted for those~~
40 ~~proposals. Alternatively, the Imperial Valley Association of~~

~~Governments may adopt a resolution electing to approve the proposals to be funded and shall approve only those claims submitted for those proposals.~~

SEC. 16. Section 99401.5 of the Public Utilities Code is amended to read:

99401.5. Prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, or any allocation for purposes of subdivision (f) of Section 99400, the transportation planning agency shall annually do all of the following:

(a) Consult with the social services transportation advisory council established pursuant to Section 99238.

(b) Identify the transit needs of the jurisdiction which have been considered as part of the transportation planning process, including the following:

(1) An annual assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged, including, but not limited to, the elderly, the ~~handicapped~~ *disabled*, including individuals eligible for paratransit and other special transportation services pursuant to Section 12143 of Title 42 of the United States Code ~~(the, the~~ *federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.) et seq.*), and persons of limited means, including, but not limited to, recipients under the CalWORKs program.

(2) An analysis of the adequacy of existing public transportation services and specialized transportation services, including privately and publicly provided services necessary to implement the plan prepared pursuant to Section 12143(c)(7) of Title 42 of the United States Code, in meeting the transit demand identified pursuant to paragraph (1).

(3) An analysis of the potential alternative public transportation and specialized transportation services and service improvements that would meet all or part of the transit demand.

(4) An analysis of the need to acquire or lease vans and related equipment for a farmworker vanpool program pursuant to subdivision (f) of Section 99400. This analysis is only required, however, upon receipt by the transportation planning agency of a request of an interested party identifying a potential need.

1 (c) Identify the unmet transit needs of the jurisdiction and those
2 needs that are reasonable to meet. The transportation planning
3 agency shall hold at least one public hearing pursuant to Section
4 99238.5 for the purpose of soliciting comments on the unmet transit
5 needs that may exist within the jurisdiction and that might be
6 reasonable to meet by establishing or contracting for new public
7 transportation or specialized transportation services or by
8 expanding existing services. The definition adopted by the
9 transportation planning agency for the terms “unmet transit needs”
10 and “reasonable to meet” shall be documented by resolution or in
11 the minutes of the agency. The fact that an identified transit need
12 cannot be fully met based on available resources shall not be the
13 sole reason for finding that a transit need is not reasonable to meet.
14 An agency’s determination of needs that are reasonable to meet
15 shall not be made by comparing unmet transit needs with the need
16 for streets and roads.

17 (d) Adopt by resolution a finding for the jurisdiction, after
18 consideration of all available information compiled pursuant to
19 subdivisions (a), (b), and (c). The finding shall be that (1) there
20 are no unmet transit needs, (2) there are no unmet transit needs
21 that are reasonable to meet, or (3) there are unmet transit needs,
22 including needs that are reasonable to meet. The resolution shall
23 include information developed pursuant to subdivisions (a), (b),
24 and (c) which provides the basis for the finding.

25 (e) If the transportation planning agency adopts a finding that
26 there are unmet transit needs, including needs that are reasonable
27 to meet, then the unmet transit needs shall be funded before any
28 allocation is made for streets and roads within the jurisdiction.

29 (f) The transportation planning agency shall not allocate funds
30 for purposes of subdivision (f) of Section 99400 until all of the
31 capital and operating funds necessary to meet unmet transit needs
32 that are reasonable to meet are allocated. The transportation
33 planning agency shall not reduce funding to existing public
34 transportation services, specialized transportation services, or
35 facilities for the exclusive use of pedestrians and bicycles in order
36 to allocate funds for purposes of subdivision (f) of Section 99400.
37 The transportation planning agency shall not allocate funds under
38 subdivision (f) of Section 99400 if the allocation replaces other
39 federal, state, or local funds used to fund commuter vanpools by
40 a county, city, transportation planning agency, or transit district.

SEC. 17. Section 6480.1 of the Revenue and Taxation Code is amended to read:

6480.1. (a) At any time that motor vehicle fuel tax or diesel fuel tax is imposed or would be imposed, but for the dyed diesel fuel exemption in paragraph (1) of subdivision (a) of Section 60100, or the train operator exemption in paragraph (7) of subdivision (a) of Section 60100 or paragraph (11) of subdivision (a) of Section 7401, or, pursuant to subdivision (f) of Section 6480, would be deemed to be imposed, on any removal, entry, or sale in this state of motor vehicle fuel, aircraft jet fuel, or diesel fuel, the supplier shall collect prepayment of retail sales tax from the person to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is sold. However, if no sale occurs at the time of imposition of motor vehicle fuel tax or diesel fuel tax, the supplier shall prepay the retail sales tax on that motor vehicle fuel, aircraft jet fuel, or diesel fuel. The prepayment required to be collected by the supplier constitutes a debt owed by the supplier to this state until paid to the board, until satisfactory proof has been submitted to prove that the retailer of the fuel has paid the retail sales tax to the board, or until a supplier or wholesaler who has consumed the fuel has paid the use tax to the board. Each supplier shall report and pay the prepayment amounts to the board, in a form as prescribed by the board, in the period in which the fuel is sold. On each subsequent sale of that fuel, each seller, other than the retailer, shall collect from his or her purchaser a prepayment computed using the rate applicable at the time of sale. Each supplier shall provide his or her purchaser with an invoice for, or other evidence of, the collection of the prepayment amounts which shall be separately stated thereon.

(b) (1) A wholesaler shall collect prepayment of the retail sales tax from the person to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is sold. Each wholesaler shall provide his or her purchaser with an invoice for or other evidence of the collection of the prepayment amounts, which shall be separately stated thereon.

(2) Each wholesaler shall report to the board, in a form as prescribed by the board and for the period in which the motor vehicle fuel, aircraft jet fuel, or diesel fuel was sold, all of the following:

1 (A) The number of gallons of fuel sold and the amount of sales
2 tax prepayments collected by the wholesaler.

3 (B) The number of tax-paid gallons purchased and the amount
4 of sales tax prepayments made by the wholesaler.

5 (C) In the event that the amount of sales tax prepayments
6 collected by the wholesaler is greater than the amount of sales tax
7 prepayments made by the wholesaler, then the excess constitutes
8 a debt owed by the wholesaler to the state until paid to the board,
9 or until satisfactory proof has been submitted that the retailer of
10 the fuel has paid the tax to the board.

11 (c) A supplier or wholesaler who pays the prepayment and issues
12 a resale certificate to the seller, but subsequently consumes the
13 motor vehicle fuel, aircraft jet fuel, or diesel fuel, shall be entitled
14 to a credit against his or her sales and use taxes due and payable
15 for the period in which the prepayment was made, provided that
16 he or she reports and pays the use tax to the board on the
17 consumption of that fuel.

18 (d) The amount of a prepayment paid by the retailer or a supplier
19 or wholesaler who has consumed the motor vehicle fuel, aircraft
20 jet fuel, or diesel fuel to the seller from whom he or she acquired
21 the fuel shall constitute a credit against his or her sales and use
22 taxes due and payable for the period in which the sale was made.
23 Failure of the supplier or wholesaler to report prepayments or the
24 supplier's or wholesaler's failure to comply with any other duty
25 under this article shall not constitute grounds for denial of the
26 credit to the retailer, supplier, or wholesaler, either on a temporary
27 or permanent basis or otherwise. To be entitled to the credit, the
28 retailer, supplier, or wholesaler shall retain for inspection by the
29 board any receipts, invoices, or other documents showing the
30 amount of sales tax prepaid to his or her supplier, together with
31 the evidence of payment.

32 (e) The rate of the prepayment required to be collected during
33 the period from July 1, 1986, through March 31, 1987, shall be
34 four cents (\$0.04) per gallon of motor vehicle fuel distributed or
35 transferred.

36 (f) *The rate of prepayment required to be collected for motor*
37 *vehicle fuel, aircraft jet fuel, and diesel fuel as established by the*
38 *board in effect on January 1, 2013, shall remain in effect through*
39 *June 30, 2013.*

40 (f)

(g) On ~~April~~ July 1 of each succeeding year, the prepayment rate per gallon for motor vehicle fuel, rounded to the nearest one-half of one cent (\$0.005), of the required prepayment shall be established by the board based upon 80 percent of the combined state and local sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and Section 35 of Article XIII of the California Constitution on the arithmetic average selling price (excluding sales tax) as ~~determined reported by the State Energy Resources Conservation and Development Commission,~~ in its latest publication of the “Quarterly Oil Report,” *an industry publication* of all grades of gasoline sold through a self-service gasoline station. ~~In the event the “Quarterly Oil Report” is delayed or discontinued, the board may base its determination on other sources of the arithmetic average selling price of gasoline.~~ The board shall make its determination of the rate no later than ~~November~~ March 1 of the *same* year ~~prior to~~ as the effective date of the new rate. Immediately upon making its determination and setting of the rate, the board shall each year, no later than ~~January~~ May 1, notify ~~by mail~~ every supplier, wholesaler, and retailer of motor vehicle fuel. In the event the price of fuel decreases or increases or an exemption from sales tax for sales of fuel is enacted, and the established rate results in or could result in prepayments which consistently exceed or are significantly lower than the retailers’ sales tax liability, the board may readjust the rate.

~~(g)~~

(h) On ~~April~~ July 1 of each succeeding year, the prepayment rate per gallon for aircraft jet fuel, rounded to the nearest one-half of one cent (\$0.005), shall be established by the board based upon 80 percent of the combined state and local sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and Section 35 of Article XIII of the California Constitution on the arithmetic average selling price (excluding sales and state excise tax) as determined by the board. The board shall make its determination of the rate no later than ~~November~~ March 1 of the year prior to the effective date of the new rate. The rate of the prepayment required to be collected for aircraft jet fuel shall be equal to 80 percent of the arithmetic average selling price of aircraft jet fuel as specified by industry publications. Immediately upon making its determination and setting of the rate, the board shall each year, no later than ~~January~~ May 1, notify ~~by mail~~ every

supplier, wholesaler, and retailer of aircraft jet fuel. In the event the price of aircraft jet fuel decreases or increases, and the established rate results in prepayments that consistently exceed or are significantly lower than the retailers' sales tax liability, the board may readjust the rate.

(h)

(i) On ~~April~~ July 1 of each succeeding year, the prepayment rate per gallon for diesel fuel, rounded to the nearest one-half of one cent (\$0.005), shall be established by the board based upon 80 percent of the combined state and local sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5, ~~6051.8~~, 7202, and 7203.1, and Section 35 of Article XIII of the California Constitution on the arithmetic average selling price (excluding sales and state excise tax) as determined by the board. The board shall make its determination of the rate no later than ~~November~~ March 1 of the same year ~~prior to~~ as the effective date of the new rate. The rate of the prepayment required to be collected for diesel fuel shall be equal to 80 percent of the arithmetic average selling price of diesel fuel as specified by industry publications. Immediately upon making its determination and setting of the rate, the board shall each year, no later than ~~January~~ May 1, notify ~~by mail~~ every supplier, wholesaler, and retailer of diesel fuel. In the event the rate of sales tax imposed on sales of diesel fuel increases or decreases or the price of diesel fuel decreases or increases, and the established rate results in or could result in prepayments that consistently exceed or are significantly lower than the retailers' sales tax liability, the board may readjust the rate.

(i)

(j) (1) Notwithstanding any other provision of this section, motor vehicle fuel sold by a supplier or wholesaler to a qualified purchaser who, pursuant to a contract with the State of California or its instrumentalities, resells that fuel to the State of California or its instrumentalities shall be exempt from the prepayment requirements.

(2) A qualified purchaser who acquires motor vehicle fuel for subsequent resale to the State of California or its instrumentalities pursuant to this subdivision shall furnish to the supplier or wholesaler from whom the fuel is acquired an exemption certificate, completed in accordance with any instructions or regulations as the board may prescribe. The supplier or wholesaler

1 shall retain the certificate in his or her records in support of the
2 exemption. To qualify for the prepayment exemption, both of the
3 following conditions shall apply:

4 (A) The qualified purchaser does not take possession of the fuel
5 at any time.

6 (B) The fuel is delivered into storage tanks owned or leased by
7 the State of California or its instrumentalities via facilities of the
8 supplier or wholesaler, or by common or contract carriers under
9 contract with the supplier or wholesaler.

10 (3) For purposes of this subdivision, “qualified purchaser” means
11 a wholesaler who does not have or maintain a storage facility or
12 facilities for the purpose of selling motor vehicle fuel.

13 SEC. 18. Section 60116 of the Revenue and Taxation Code is
14 amended to read:

15 60116. (a) Commencing on January 1, 1998, and on each
16 January 1 thereafter ~~up to and including January 1, 2013~~, the board
17 shall establish a tax rate per gallon, rounded to the nearest tenth
18 of a cent, by multiplying the average retail price per gallon
19 (including the federal excise tax and excluding the state excise tax
20 and the sales and use tax) of diesel fuel sold in this state by a
21 percentage equal to the combined state and local sales tax rate
22 established by Part 1 (commencing with Section 6001) and Part
23 1.5 (commencing with Section 7200) of Division 2 of the Revenue
24 and Taxation Code and Section 35 of Article XIII of the California
25 Constitution. The average retail price per gallon shall be the
26 average of weekly retail prices for the 12-month period ending
27 August 31 of the year prior to the effective date of the new rate.
28 In determining the average retail price per gallon, the board shall
29 use the weekly average retail price published by the State Energy
30 Resources Conservation and Development Commission, in its
31 publication “Fuel Price And Supply Update.” In the event the “Fuel
32 Price And Supply Update” is delayed or discontinued, the board
33 may base its determination on other sources of the average retail
34 price of diesel fuel. The board shall make its determination of the
35 rate no later than October 1 of the year prior to the effective date
36 of the new rate.

37 (b) *The tax rate established by the board on January 1, 2013,*
38 *shall remain in effect only through June 30, 2013.*

39 (c) *Commencing on July 1, 2013, and on each July 1 thereafter,*
40 *the board shall establish a tax rate per gallon, rounded to the*

1 nearest one-tenth of one cent (\$0.001), by multiplying the average
2 retail price per gallon (including the federal excise tax and
3 excluding the state excise tax and the sales and use tax) of diesel
4 fuel sold in this state by a percentage equal to the combined state
5 and local sales tax rate established by Part 1 (commencing with
6 Section 6001) and Part 1.5 (commencing with Section 7200) of
7 Division 2 of the Revenue and Taxation Code and Section 35 of
8 Article XIII of the California Constitution. The average retail price
9 per gallon shall be the average of weekly retail prices for the
10 12-month period ending on the last day of January prior to the
11 effective date of the new rate. In determining the average retail
12 price per gallon, the board shall use the weekly average retail
13 price as reported by the United States Energy Information
14 Administration (EIA). In the event the EIA information is delayed
15 or discontinued, the board may base its determination on other
16 sources of the average retail price of diesel fuel. The board shall
17 make its determination of the rate no later than March 1 of the
18 same year as the effective date of the new rate.

19 SEC. 19. Section 349 of the Streets and Highways Code is
20 amended to read:

21 349. (a) Route 49 is from:

22 (1) Route 41 near Oakhurst to Route 140 at Mariposa.

23 (2) Route 140 at Mariposa to Route 120 near Moccasin.

24 (3) Route 120 near Chinese Camp to Route 80 near Auburn via
25 the vicinity of Sonora; via Angels Camp, San Andreas, and
26 Jackson; and via the vicinity of El Dorado, Diamond Springs, and
27 Placerville.

28 (4) Route 80 near Auburn to Route 20 in Grass Valley.

29 (5) Route 20 at Nevada City to Route 89 near Sattley via
30 Downieville.

31 (6) Route 89 near Sierraville to Route 70 near Vinton via
32 Loyalton.

33 ~~(b) (1) The commission may relinquish to the City of Auburn~~
34 ~~the portion of Route 49 that is located within the city limits of that~~
35 ~~city, upon terms and conditions the commission finds to be in the~~
36 ~~best interests of the state, if the department and the city enter into~~
37 ~~an agreement providing for that relinquishment.~~

38 ~~(2) A relinquishment under this subdivision shall become~~
39 ~~effective immediately following the county recorder's recordation~~

1 of the relinquishment resolution containing the commission's
2 approval of the terms and conditions of the relinquishment.

3 (3) ~~On and after the effective date of the relinquishment, the~~
4 ~~relinquished portion of Route 49 shall cease to be a state highway.~~

5 (4) ~~The portion of Route 49 relinquished under this subdivision~~
6 ~~shall be ineligible for future adoption under Section 81.~~

7 (5) ~~For the portion of Route 49 that is relinquished under this~~
8 ~~subdivision, the City of Auburn shall maintain within its~~
9 ~~jurisdiction, signs directing motorists to the continuation of Route~~
10 ~~49. The city may apply to the department for approval of a business~~
11 ~~route designation in accordance with Chapter 20, Topic 21, of the~~
12 ~~Highway Design Manual.~~

13 *(b) The relinquished former portion of Route 49 within the City*
14 *of Auburn is not a state highway and is not eligible for adoption*
15 *under Section 81. For the relinquished former portion of Route*
16 *49, the City of Auburn shall maintain within its jurisdiction signs*
17 *directing motorists to the continuation of Route 49. The city may*
18 *apply to the department for approval of a business route*
19 *designation in accordance with Chapter 20, Topic 21, of the*
20 *Highway Design Manual.*

21 SEC. 20. Section 366 of the Streets and Highways Code is
22 amended to read:

23 366. (a) Route 66 is from:

24 (1) Route 210 near San Dimas to the Los Angeles-San
25 Bernardino county line at the western city limit of the City of
26 Upland.

27 (2) The eastern city limit of the City of Fontana near Maple
28 Avenue to Route 215 in San Bernardino.

29 (b) The relinquished former portions of Route 66 within the city
30 limits of the Cities of Fontana, Rancho Cucamonga, and Upland
31 are not state highways and are not eligible for adoption under
32 Section 81. For the portions of Route 66 relinquished under this
33 section, the Cities of Fontana, Rancho Cucamonga, and Upland
34 shall maintain within their respective jurisdictions signs directing
35 motorists to the continuation of Route 66 and ensure the continuity
36 of traffic flow on the relinquished portions of Route 66, including
37 any traffic signal progression.

38 (c) (1) Notwithstanding subdivision (a), the commission may
39 relinquish to the City of Claremont ~~and the City of Rialto~~ the
40 ~~respective~~ portion of Route 66 that is located within the city limits

1 or the sphere of influence of ~~each~~ *the* city, upon terms and
2 conditions the commission finds to be in the best interests of the
3 state.

4 (2) A relinquishment under this subdivision shall become
5 effective immediately following the recordation by the county
6 recorder of the relinquishment resolution containing the
7 commission's approval of the terms and conditions of the
8 relinquishment.

9 (3) On and after the effective date of the relinquishment, both
10 of the following shall occur:

11 (A) The portion of Route 66 relinquished under this subdivision
12 shall cease to be a state highway.

13 (B) The portion of Route 66 relinquished under this subdivision
14 may not be considered for future adoption under Section 81.

15 (4) The City of Claremont ~~and the City of Rialto~~ shall ensure
16 the continuity of traffic flow on the relinquished portion of Route
17 66, including any traffic signal progression.

18 (5) For the relinquished ~~portions~~ *portion* of Route 66, the City
19 of Claremont ~~and the City of Rialto~~ shall maintain signs directing
20 motorists to the continuation of Route 66.

21 SEC. 21. Section 374 of the Streets and Highways Code is
22 amended to read:

23 374. (a) Route 74 is from:

24 (1) Route 5 near San Juan Capistrano to Route 15 near Lake
25 Elsinore.

26 (2) Route 15 near Lake Elsinore to Route 215 near Perris.

27 (3) Route 215 near Perris to the southern city limit of Palm
28 Desert.

29 (4) Highway 111 in Palm Desert to Route 10 near Thousand
30 Palms.

31 (b) The relinquished former portion of Route 74 within the City
32 of Palm Desert is not a state highway and is not eligible for
33 adoption under Section 81. For the relinquished former portion of
34 Route 74, the City of Palm Desert shall maintain within its
35 jurisdiction signs directing motorists to the continuation of Route
36 74.

37 (c) (1) The commission may relinquish to the City of Lake
38 Elsinore the portion of Route 74 located within the city limits of
39 that city, upon terms and conditions the commission finds to be
40 in the best interests of the state.

1 (2) Any relinquishment agreement shall require that the City of
2 Lake Elsinore administer the operation and maintenance of the
3 highway in a manner consistent with professional traffic
4 engineering standards.

5 (3) Any relinquishment agreement shall require the City of Lake
6 Elsinore to ensure that appropriate traffic studies or analyses will
7 be performed to substantiate any decisions affecting the highway.

8 (4) Any relinquishment agreement shall also require the City
9 of Lake Elsinore to provide for public notice and the consideration
10 of public input on the proximate effects of any proposed decision
11 on traffic flow, residences, or businesses, other than a decision on
12 routine maintenance.

13 (5) Notwithstanding any of its other terms, any relinquishment
14 agreement shall require the City of Lake Elsinore to indemnify
15 and hold the department harmless from any liability for any claims
16 made or damages suffered by any person, including a public entity,
17 as a result of any decision made or action taken by the City of Lake
18 Elsinore, its officers, employees, contractors, or agents, with
19 respect to the design, maintenance, construction, or operation of
20 that portion of Route 74 that is to be relinquished to the city.

21 (6) A relinquishment under this subdivision shall become
22 effective immediately after the county recorder records the
23 relinquishment resolution that contains the commission's approval
24 of the terms and conditions of the relinquishment.

25 (7) On and after the effective date of the relinquishment, both
26 of the following shall occur:

27 (A) The portion of Route 74 relinquished shall cease to be a
28 state highway.

29 (B) The portion of Route 74 relinquished may not be considered
30 for future adoption under Section 81.

31 (8) The City of Lake Elsinore shall ensure the continuity of
32 traffic flow on the relinquished portion of Route 74, including any
33 traffic signal progression.

34 (9) For relinquished portions of Route 74, the City of Lake
35 Elsinore shall maintain signs directing motorists to the continuation
36 of Route 74.

37 ~~(d) (1) The commission may relinquish to the City of Perris~~
38 ~~the portion of Route 74 located within the city limits of that city~~
39 ~~between Seventh Street and Redlands Avenue, upon terms and~~

1 conditions the commission finds to be in the best interests of the
2 state.

3 ~~(2) Any relinquishment agreement shall require that the City of~~
4 ~~Perris administer the operation and maintenance of the highway~~
5 ~~in a manner consistent with professional traffic engineering~~
6 ~~standards.~~

7 ~~(3) Any relinquishment agreement shall require the City of~~
8 ~~Perris to ensure that appropriate traffic studies or analyses will be~~
9 ~~performed to substantiate any decisions affecting the highway.~~

10 ~~(4) Any relinquishment agreement shall also require the City~~
11 ~~of Perris to provide for public notice and the consideration of public~~
12 ~~input on the proximate effects of any proposed decision on traffic~~
13 ~~flow, residences, or businesses, other than a decision on routine~~
14 ~~maintenance.~~

15 ~~(5) Notwithstanding any of its other terms, any relinquishment~~
16 ~~agreement shall require the City of Perris to indemnify and hold~~
17 ~~the department harmless from any liability for any claims made~~
18 ~~or damages suffered by any person, including a public entity, as~~
19 ~~a result of any decision made or action taken by the City of Perris,~~
20 ~~its officers, employees, contractors, or agents, with respect to the~~
21 ~~design, maintenance, construction, or operation of that portion of~~
22 ~~Route 74 that is to be relinquished to the city.~~

23 ~~(6) A relinquishment under this subdivision shall become~~
24 ~~effective immediately after the county recorder records the~~
25 ~~relinquishment resolution that contains the commission's approval~~
26 ~~of the terms and conditions of the relinquishment.~~

27 ~~(7) On and after the effective date of the relinquishment, both~~
28 ~~of the following shall occur:~~

29 ~~(A) The portion of Route 74 relinquished shall cease to be a~~
30 ~~state highway.~~

31 ~~(B) The portion of Route 74 relinquished may not be considered~~
32 ~~for future adoption under Section 81.~~

33 ~~(8) The City of Perris shall ensure the continuity of traffic flow~~
34 ~~on the relinquished portion of Route 74, including any traffic signal~~
35 ~~progression.~~

36 ~~(9) For relinquished portions of Route 74, the City of Perris~~
37 ~~shall maintain signs directing motorists to the continuation of~~
38 ~~Route 74.~~

39 SEC. 22. Section 392 of the Streets and Highways Code is
40 amended to read:

1 392. (a) Route 92 is from:

2 (1) Route 1 near Half Moon Bay to Route 280.

3 (2) Route 280 to Route 580 near Castro Valley and Hayward.

4 ~~(b) (1) The commission may relinquish to the City of Hayward~~
5 ~~the portion of Route 92 located within the city limits of that city,~~
6 ~~upon terms and conditions the commission finds to be in the best~~
7 ~~interests of the state, if the department and the city enter into an~~
8 ~~agreement providing for that relinquishment.~~

9 ~~(2) A relinquishment under this subdivision shall become~~
10 ~~effective immediately after the county recorder's recordation of~~
11 ~~the relinquishment resolution containing the commission's approval~~
12 ~~of the terms and conditions of the relinquishment.~~

13 ~~(3) On and after the effective date of the relinquishment, both~~
14 ~~of the following shall occur:~~

15 ~~(A) The portion of Route 92 relinquished shall cease to be a~~
16 ~~state highway.~~

17 ~~(B) The portion of Route 92 relinquished shall be ineligible for~~
18 ~~future adoption under Section 81.~~

19 ~~(4) For relinquished portions of Route 92, the City of Hayward~~
20 ~~shall maintain signs within its jurisdiction directing motorists to~~
21 ~~the continuation of Route 92 or to the state highway system, as~~
22 ~~applicable.~~

23 ~~(b) The relinquished former portion of Route 92 within the City~~
24 ~~of Hayward is not a state highway and is not eligible for adoption~~
25 ~~under Section 81. For the relinquished former portion of Route~~
26 ~~92, the City of Hayward shall maintain within its jurisdiction signs~~
27 ~~directing motorists to the continuation of Route 92 or to the state~~
28 ~~highway system, as applicable.~~

29 SEC. 23. Section 410 of the Streets and Highways Code, as
30 amended by Section 30 of Chapter 525 of the Statutes of 2003, is
31 amended to read:

32 410. (a) Route 110 is from Route 47 in San Pedro to Glenarm
33 Street in Pasadena.

34 (b) ~~The relinquished former portion~~ *portions* of Route 110 that
35 *is are* located between *9th Street and Gaffey Street in the City of*
36 *Los Angeles and* Glenarm Street and Colorado Boulevard in
37 Pasadena ~~is are~~ *are not a state highway highways and is are* not eligible
38 for adoption under Section 81. *For the relinquished former portions*
39 *of Route 110, the Cities of Los Angeles and Pasadena shall*

1 *maintain within their respective jurisdictions signs directing*
2 *motorists to the continuation of Route 110.*

3 SEC. 24. Section 410 of the Streets and Highways Code, as
4 added by Section 1 of Chapter 669 of the Statutes of 2008, is
5 repealed.

6 ~~410. (a) Route 110 is from 9th Street in San Pedro to Glenarm~~
7 ~~Street in Pasadena.~~

8 ~~(b) The relinquished former portion of Route 110 that is located~~
9 ~~between Glenarm Street and Colorado Boulevard in Pasadena is~~
10 ~~not a state highway and is not eligible for adoption under Section~~
11 ~~81.~~

12 ~~(c) (1) Notwithstanding subdivision (a), the commission may~~
13 ~~relinquish to the City of Los Angeles the portion of Route 110~~
14 ~~located within the city limits from Route 47 to 9th Street pursuant~~
15 ~~to the terms of a cooperative agreement between the city and the~~
16 ~~department, upon a determination by the commission that the~~
17 ~~relinquishment is in the best interests of the state.~~

18 ~~(2) A relinquishment under this subdivision shall become~~
19 ~~effective immediately following the recordation by the county~~
20 ~~recorder of the relinquishment resolution containing the~~
21 ~~commission's approval of the terms and conditions of the~~
22 ~~relinquishment.~~

23 ~~(3) On and after the effective date of the relinquishment, all of~~
24 ~~the following shall occur:~~

25 ~~(A) The portion of Route 110 relinquished under this subdivision~~
26 ~~shall cease to be a state highway.~~

27 ~~(B) The portion of Route 110 relinquished under this subdivision~~
28 ~~may not be considered for future adoption under Section 81.~~

29 ~~(C) Route 110 shall be from Route 47 in San Pedro to Glenarm~~
30 ~~Street in Pasadena.~~

31 ~~(4) For the portion of Route 110 that is relinquished under this~~
32 ~~subdivision, the city shall maintain within its jurisdiction signs~~
33 ~~directing motorists to the continuation of Route 110.~~

34 SEC. 25. Section 411 of the Streets and Highways Code is
35 amended to read:

36 411. (a) Route 111 is from:

37 (1) The international border south of Calexico to Route 78 near
38 Brawley, passing east of Heber.

39 (2) Route 78 near Brawley to Route 86 via the north shore of
40 the Salton Sea.

(3) The western city limits of Cathedral City to Route 10 near Whitewater.

(b) The relinquished former portions of Route 111 within the Cities of Cathedral City, Indian Wells, Indio, La Quinta, Palm Desert, and Rancho Mirage are not state highways and are not eligible for adoption under Section 81. ~~The Cities of~~ *For the relinquished former portions of Route 111, the Cities of Cathedral City, Indian Wells, Indio, La Quinta, and Palm Desert, as applicable, shall maintain within their respective jurisdictions signs directing motorists to the continuation of Route 111.*

SEC. 26. Section 446 of the Streets and Highways Code is amended to read:

446. (a) Route 146 is from:

(1) Route 101 near Soledad to Pinnacles National Monument.

(2) Pinnacles National Monument to Route 25 in Bear Valley.

~~(b) (1) Notwithstanding subdivision (a), the commission may relinquish to the City of Soledad the portion of Route 146 within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state. The relinquished former portion of Route 146 within the City of Soledad is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 146, the City of Soledad shall maintain within its jurisdiction signs directing motorists to the continuation of Route 146 until the entire route has been relinquished.~~

~~(2)~~

~~(1)~~ Notwithstanding subdivision (a), the commission may relinquish to the County of Monterey the portion of Route 146 within the limits of that county, upon terms and conditions the commission finds to be in the best interests of the state.

~~(3)~~

(2) Notwithstanding subdivision (a), the commission may relinquish to the County of San Benito the portion of Route 146 within the limits of that county, upon terms and conditions the commission finds to be in the best interests of the state.

~~(4)~~

(3) A relinquishment under this subdivision shall become effective immediately after the county recorder records the relinquishment resolution that contains the commission's approval of the terms and conditions of the relinquishment.

~~(5)~~

(4) On and after the effective date of the relinquishment, that portion of Route 146 relinquished shall cease to be a state highway and may not be considered for future adoption under Section 81.

~~(6)~~

(5) For portions of Route 146 relinquished under this subdivision, ~~the City of Soledad and the Counties of Monterey and San Benito~~ shall maintain within their jurisdiction signs directing motorists to the continuation of Route 146 until the entire route has been relinquished.

SEC. 27. Section 478 of the Streets and Highways Code is amended to read:

478. (a) Route 178 is from:

(1) Bakersfield to Route 14 near Freeman via Walker Pass.

(2) Route 14 near Freeman to Route 127.

(3) Route 127 to the Nevada state line in Pahrump Valley.

~~(b) Upon a determination by the commission that it is in the best interests of the state to do so, the commission may, upon terms and conditions approved by it, relinquish to the City of Bakersfield the portion of Route 178 that is located within the city limits of that city if the city agrees to accept it. The following conditions shall apply upon relinquishment:~~

~~(1) The relinquishment shall become effective on the date following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.~~

~~(2) On and after the effective date of the relinquishment, the relinquished portion of Route 178 shall cease to be a state highway.~~

~~(3) The portion of Route 178 relinquished under this subdivision shall be ineligible for future adoption under Section 81.~~

~~(4) For the portion of Route 178 that is relinquished under this subdivision, the City of Bakersfield shall install and maintain within its jurisdiction signs directing motorists to the continuation of Route 178.~~

(b) The relinquished former portion of Route 178 within the City of Bakersfield is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 178, the City of Bakersfield shall install and maintain within its jurisdiction signs directing motorists to the continuation of Route 178.

SEC. 28. Section 485 of the Streets and Highways Code is amended to read:

485. (a) Route 185 is from Route 92 in Hayward to Route 77 in Oakland.

(b) ~~(1) The commission may relinquish to the City of Hayward the portion of Route 185 located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state, if the department and the city enter into an agreement providing for that relinquishment.~~

~~(2) A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.~~

~~(3) On and after the effective date of the relinquishment, both of the following shall occur:~~

~~(A) The portion of Route 185 relinquished shall cease to be a state highway.~~

~~(B) The portion of Route 185 relinquished shall be ineligible for future adoption under Section 81.~~

~~(4) For relinquished portions of Route 185, the City of Hayward shall maintain signs within its jurisdiction directing motorists to the continuation of Route 185 or to the state highway system, as applicable.~~

(b) The relinquished former portion of Route 185 within the City of Hayward is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 185, the City of Hayward shall maintain within its jurisdiction signs directing motorists to the continuation of Route 185 or to the state highway system, as applicable.

SEC. 29. Section 493 of the Streets and Highways Code is amended to read:

493. (a) Route 193 is from:

(1) Route 65 near Lincoln to Route 80 near Newcastle.

(2) Route 49 near Cool to Route 49 near Placerville via Georgetown.

~~(b) Upon a determination by the commission that it is in the best interests of the state to do so, the commission may, upon terms and conditions approved by it, relinquish to the City of Lincoln the portion of Route 193 that is located within the city limits of~~

1 that city if the city agrees to accept it. The following conditions
2 shall apply upon relinquishment:

3 (1) ~~The relinquishment shall become effective on the date~~
4 ~~following the county recorder's recordation of the relinquishment~~
5 ~~resolution containing the commission's approval of the terms and~~
6 ~~conditions of the relinquishment.~~

7 (2) ~~On and after the effective date of the relinquishment, the~~
8 ~~relinquished portion of Route 193 shall cease to be a state highway.~~

9 (3) ~~The portion of Route 193 relinquished under this subdivision~~
10 ~~shall be ineligible for future adoption under Section 81.~~

11 (4) ~~For the portion of Route 193 relinquished under this~~
12 ~~subdivision, the City of Lincoln shall apply for approval of a~~
13 ~~Business Route designation for the relinquished portion of the~~
14 ~~highway in accordance with Chapter 20, Topic 21, of the Highway~~
15 ~~Design Manual.~~

16 (5) ~~For the portion of Route 193 relinquished under this~~
17 ~~subdivision, the City of Lincoln shall install and maintain within~~
18 ~~its jurisdiction signs directing motorists to the continuation of~~
19 ~~Route 193 to the east and to Routes 65 and 80 to the west.~~

20 *(b) The relinquished former portion of Route 193 within the*
21 *City of Lincoln is not a state highway and is not eligible for*
22 *adoption under Section 81. For the relinquished former portion*
23 *of Route 193, the City of Lincoln shall install and maintain within*
24 *its jurisdiction signs directing motorists to the continuation of*
25 *Route 193 to the east and to Routes 65 and 80 to the west. The city*
26 *may apply to the department for approval of a business route*
27 *designation in accordance with Chapter 20, Topic 21, of the*
28 *Highway Design Manual.*

29 SEC. 30. Section 527 of the Streets and Highways Code is
30 amended to read:

31 527. (a) Route 227 is from Route 1 south of Oceano to Route
32 101 in San Luis Obispo.

33 (b) ~~(1) Notwithstanding subdivision (a), the commission may~~
34 ~~relinquish to the City of Arroyo Grande the portion of Route 227~~
35 ~~that is located within the city limits of that city, upon terms and~~
36 ~~conditions the commission finds to be in the best interests of the~~
37 ~~state, including, but not limited to, a condition that the City of~~
38 ~~Arroyo Grande maintain within its jurisdiction signs directing~~
39 ~~motorists to the continuation of Route 227.~~

~~(2) A relinquishment under this subdivision shall become effective immediately following the recording by the county recorder of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.~~

~~(3) On and after the effective date of the relinquishment, both of the following shall occur:~~

~~(A) The portion of Route 227 relinquished under this subdivision shall cease to be a state highway.~~

~~(B) The portion of Route 227 relinquished under this subdivision may not be considered for future adoption under Section 81.~~

~~(e) (1) Notwithstanding subdivision (a), the commission may relinquish to the City of San Luis Obispo the portion of Route 227 that is located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state, including, but not limited to, a condition that the City of San Luis Obispo maintain within its jurisdiction signs directing motorists to the continuation of Route 227.~~

~~(2) A relinquishment under this subdivision shall become effective immediately following the recording by the county recorder of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.~~

~~(3) On and after the effective date of the relinquishment, both of the following shall occur:~~

~~(A) The portion of Route 227 relinquished under this subdivision shall cease to be a state highway.~~

~~(B) The portion of Route 227 relinquished under this subdivision may not be considered for future adoption under Section 81.~~

~~(4) For the portions of Route 227 that are relinquished, the City of San Luis Obispo shall maintain within its jurisdiction signs directing motorists to the continuation of Route 227.~~

(b) The relinquished former portions of Route 227 within the Cities of Arroyo Grande and San Luis Obispo are not state highways and are not eligible for adoption under Section 81. For the relinquished former portion of Route 227, the City of San Luis Obispo shall maintain within its jurisdiction signs directing motorists to the continuation of Route 227.

SEC. 31. Section 538 of the Streets and Highways Code is amended to read:

1 538. (a) Route 238 is from Route 680 in Fremont to Route 61
2 near San Lorenzo via Hayward.

3 ~~(b) (1) The commission may relinquish to the City of Hayward~~
4 ~~the portion of Route 238 located within the city limits of that city,~~
5 ~~upon terms and conditions the commission finds to be in the best~~
6 ~~interests of the state, if the department and the city enter into an~~
7 ~~agreement providing for that relinquishment.~~

8 ~~(2) A relinquishment under this subdivision shall become~~
9 ~~effective immediately after the county recorder's recordation of~~
10 ~~the relinquishment resolution containing the commission's approval~~
11 ~~of the terms and conditions of the relinquishment.~~

12 ~~(3) On and after the effective date of the relinquishment, both~~
13 ~~of the following shall occur:~~

14 ~~(A) The portion of Route 238 relinquished shall cease to be a~~
15 ~~state highway.~~

16 ~~(B) The portion of Route 238 relinquished shall be ineligible~~
17 ~~for future adoption under Section 81.~~

18 ~~(4) For relinquished portions of Route 238, the City of Hayward~~
19 ~~shall maintain signs within its jurisdiction directing motorists to~~
20 ~~the continuation of Route 238 or to the state highway system, as~~
21 ~~applicable.~~

22 *(b) The relinquished former portion of Route 238 within the*
23 *City of Hayward is not a state highway and is not eligible for*
24 *adoption under Section 81. For the relinquished former portion*
25 *of Route 238, the City of Hayward shall maintain within its*
26 *jurisdiction signs directing motorists to the continuation of Route*
27 *238 or to the state highway system, as applicable.*

28 SEC. 32. Section 27314.5 of the Vehicle Code is repealed.

29 ~~27314.5. (a) (1) Subject to paragraph (3), no dealer shall sell~~
30 ~~or offer for sale any used passenger vehicle of a model year of~~
31 ~~1972 to 1990, inclusive, unless there is affixed to the window of~~
32 ~~the left front door or, if there is no window, to another suitable~~
33 ~~location so that it may be seen and read by a person standing~~
34 ~~outside the vehicle at that location, a notice, printed in 14-point~~
35 ~~type, which reads as follows:~~

36 ~~"WARNING: While use of all seat belts reduces the chance of~~
37 ~~ejection, failure to install and use shoulder harnesses with lap belts~~
38 ~~can result in serious or fatal injuries in some crashes. Lap-only~~
39 ~~belts increase the chance of head and neck injury by allowing the~~
40 ~~upper torso to move unrestrained in a crash and increase the chance~~

1 of spinal column and abdominal injuries by concentrating excessive
2 force on the lower torso. Because children carry a disproportionate
3 amount of body weight above the waist, they are more likely to
4 sustain those injuries. Shoulder harnesses may be available that
5 can be retrofitted in this vehicle. For more information call the
6 Auto Safety Hotline at 1-800-424-9393.”

7 (2) The notice shall remain affixed to the vehicle pursuant to
8 paragraph (1) at all times that the vehicle is for sale.

9 (3) The notice is not required to be affixed to any vehicle
10 equipped with both a lap belt and a shoulder harness for the driver
11 and one passenger in the front seat of the vehicle and for at least
12 two passengers in the rear seat of the vehicle.

13 (b) (1) In addition to the requirements of subdivision (a), and
14 subject to paragraph (3) and subdivision (c), the dealer shall affix,
15 to one rear seat lap belt buckle of every used passenger vehicle of
16 a model year of 1972 to 1990, inclusive, that has a rear seat, a
17 notice, printed in 10-point type, that reads as follows:

18 “WARNING: While use of all seat belts reduces the chance of
19 ejection, failure to install and use shoulder harnesses with lap belts
20 can result in serious or fatal injuries in some crashes. Shoulder
21 harnesses may be available that can be retrofitted in this vehicle.
22 For more information, call the Auto Safety Hotline at
23 1-800-424-9393.”

24 (2) The notice shall remain affixed to the vehicle pursuant to
25 paragraph (1) at all times that the vehicle is for sale.

26 (3) The message is not required to be affixed to any vehicle
27 either equipped with both a lap belt and a shoulder harness for at
28 least two passengers in the rear seat or having no rear seat lap belts.

29 (e) A dealer is not in violation of subdivision (b) unless a private
30 nonprofit entity has furnished a supply of the appropriate notices
31 suitable for affixing as required free of charge or, having requested
32 a resupply of notices, has not received the resupply.

33 (d) The department shall furnish, to a nonprofit private entity
34 for purposes of this section, for a fee not to exceed its costs in so
35 furnishing, at least once every six months, a list of all licensed
36 dealers who sell used passenger vehicles.